<u>REMARKS/ARGUMENTS</u>

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11-21 and 23-24 are pending in the present application, Claims 11-15, 17-21 having been amended, and Claim 22 having been canceled. Support for the present amendment is found, for example, at page 4, lines 20-29, and page 17, line 25 to page 18, line 13, and in Applicants' Figs. 1-4. Applicants respectfully submit that no new matter is added.

In the outstanding Office Action, Claims 20 and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2003/0172160A9 to <u>Widegren et al.</u> (hereinafter <u>Widegren</u>); Claims 11, 15, and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over <u>Widegren</u> in view of <u>Balachandran et al.</u> (U.S. Patent Publication No. 2003/0235196, hereinafter <u>Balachandran</u>); Claims 12 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over <u>Widegren</u> in view of <u>Balachandran,</u> and further in view of <u>Cayla et al.</u> (U.S. Patent Publication No. 2004/0004949, hereinafter <u>Cayla</u>); Claim 14 was rejected under 35 U.S.C 103(a) as being unpatentable over <u>Widegren</u> in view of <u>Balachandran,</u> and further in view of U.S. 2004/0053606A1 to <u>Artamo et al.</u> (hereinafter <u>Artamo</u>); Claims 16 and 17 were rejected under 35 U.S.C § 103(a) as being unpatentable over <u>Widegren</u> in view of <u>Balachandran,</u> and further in view of WO 00/10357 to <u>Haumont;</u> Claims 18, 19, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Widegren</u> in view of <u>Balachandran,</u> and further in view of U.S. 2002/0068588A1 to <u>Yoshida et al</u> (hereinafter <u>Yoshida</u>); and Claim 24 <u>Widegren</u> in view of <u>Balachandran</u> and <u>Yoshida,</u> and further in view of <u>Ruutu et al.</u> (U.S. Patent Publication No. 2004/0001491, hereinafter <u>Ruutu</u>).

Applicants respectfully submit that amended Claim 11 patentably distinguishes over the cited references. Claim 11 is amended to further describe that it is IP based in a RAN (Radio Access Network). Amended Claim 11 recites, *inter alia,*

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> a base station configured to receive an IP packet including the user data from a mobile station via a radio channel in the radio access network;
>
> a control apparatus [that includes,]
>
>> a priority setting unit configured to set an IP priority for the transfer path such that IP packet data transmitted from the base station along the transfer path to the control apparatus is processed according to the IP priority set for the transfer path by the transfer path setting unit, and
>>
>> a transmitting unit configured to transmit, to the base station, a radio channel setting request for requesting to set the radio channel, the radio channel setting request including the IP priority set by the priority setting unit,
>
> wherein the base station sets a priority for the IP packet including the user data based to the IP priority set by the priority setting unit and transfers the IP packet including the user data to the core network according to the IP priority.

The Office Action indicates the position that <u>Widegren</u> descries that an RNC determines a "radio-related parameter" corresponding to "RAB QoS attributes" and the "radio-related parameter" implicitly includes a "priority."[1] Moreover, the Office Action takes the position that the "radio-related parameter" is transmitted to the base station in order to set a "radio bearer" since <u>Widegren</u> describes that the RNC transmits a "radio bearer setup" to an MS.[2]

In the invention defined by Claim 11, the base station provided in the Radio Access Network (RAN) sets a priority for the IP packets including the user data based on the IP priority determined by the control unit and transfers the IP packets including the user data to the core network according to this IP priority. The IP priority is a value used to transfer the IP packets on a transfer part between the base station and the core network.

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[1] Office Action, pages 2-3, and compare with Fig. 18 and paragraphs [0096]-[0100] of <u>Widegren</u>.
[2] Office Action, page 3.

On the other hand, the "radio bearer" of <u>Widegren</u> is set between the RNC and the UE, and is different from the transfer path of the invention defined by Claim 11. Assuming, *arguendo*, that <u>Widegren</u> suggests that the "radio-related parameter" includes a priority, it is not an IP priority for transferring IP packets on the transfer path between the base station and the core network. Thus, <u>Widegren</u> does not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the IP priority for transferring the IP packets including the user data on the transfer path to the core network. Moreover, since Widegren does not disclose transferring IP packets in a RAN, there is no disclosure of notifying the base station of the IP priority.

Furthermore, the cited secondary and tertiary references do not cure the deficiencies in <u>Widegren</u>.

<u>Haumont</u> describes a ToS (type of service) octet and describes a PDP context.[3] However, since <u>Haumont</u> does not disclose transferring IP packets in a RAN, <u>Haumont</u> does not disclose notifying a node B of the IP priority.

<u>Artamo</u> describes a "priority table" associated with a cell to which a user connects.[4] <u>Artamo</u> does not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the IP priority for transferring the IP packets including the user data on the transfer path to the core network.

<u>Yoshida</u> describes a "SESSION MANAGEMENT TABLE 506" as a table that the base station has. The "SESSION MANAGEMENT TABLE 506" includes a "CURRENT PRIORITY 707."[5] <u>Yoshida</u> does not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the

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[3] See, <u>Haumont</u>, p. 22, lns. 23-25, and Fig. 5,
[4] See, <u>Artamo</u>, paragraph [0012].
[5] See, <u>Yoshida</u>, paragraphs [0071], [0072], and Fig. 7.

IP priority for transferring the IP packets including the user data on the transfer path to the core network.

Balachandran describes that GGSN232 sets a RAB, and the RAB may be set per "priority class."[6] Balachandran does not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the IP priority for transferring the IP packets including the user data on the transfer path to the core network.

Cayla describes that a "QoS parameter" includes a "priority."[7] Cayla does not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the IP priority for transferring the IP packets including the user data on the transfer path to the core network.

Ruutu describes a technology relative to an IP router and describes "priority queuing."[8] Ruutu does not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the IP priority for transferring the IP packets including the user data on the transfer path to the core network.

Since the references of record do not disclose a control apparatus that determines the IP priority, that notifies the base station of this IP priority in order for the base station to set the IP priority for transferring the IP packets including the user data on the transfer path to the core network, Applicants respectfully submit that a person of ordinary skill in the art could not proper combine the references to arrive at the invention defined by Claim 1.

In view of the above-noted distinctions, Applicants respectfully submit that Claim 11 (and any claims dependent thereon) patentably distinguish over Widegren, taken alone or in proper combination of with Balachandran, Haumont, Artamo, Cayla, Ruutu, and/or Yoshida.

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[6] See, Balachandran, paragraph [0037] and Fig. 4.
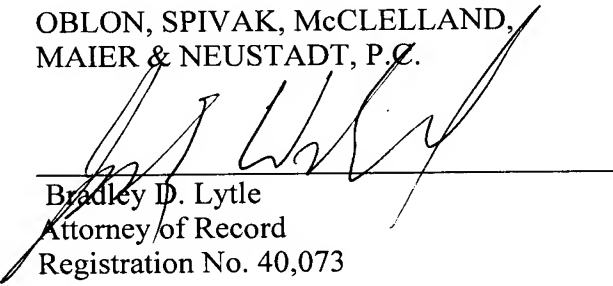[7] See, Cayla, paragraphs [0032] and [0033].
[8] See, Ruutu, paragraphs [0060] and [0061].

Claim 20 recites elements analogous to those of Claim 11. Thus, Applicants respectfully submit that Claim 20 patentable distinguishes over the cited references for at least the reasons stated for Claim 11.

Consequently, in view of the present response, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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